



\$ 1500

App. No. 10/661,043
Reply to Office Action of July 3, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Judith E. Schwabe
Assignee: Sun Microsystems, Inc.
Title: REMOTE INCREMENTAL PROGRAM VERIFICATION USING API DEFINITIONS
Serial No.: 10/661,043 Filed: September 12, 2003
Examiner: Jason D. Mitchell Group Art 2193
Unit:
Docket No.: P-4172CNT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Washington, D. C. 22313-1450

10/30/2006 HBIZUNES 00000071 10661043
02 FC:1814

130.00 OP

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT INCLUDING STATEMENT UNDER 37 CFR 3.73(b)**

Sir:

The owner, Sun Microsystems, Inc., a Delaware corporation, having a place of business at 4120 Network Circle, Santa Clara, CA 95054, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of **prior patent** No. 6,651,186 as the term of said **prior patent** is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

Appl. No. 10/661,043

Reply to Office Action of July 3, 2006

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned (whose title is supplied below) represents that she is a representative empowered to act on behalf of the owner.

The owner states that it is the assignee of the entire right, title, and interest in the instant application by virtue of an Assignment from the inventor(s) of the instant application to Sun Microsystems, Inc. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame 014519/0839.

The owner also states that it is the assignee of the entire right, title, and interest in the **prior patent** No. 6,651,186 by virtue of an Assignment from the inventor(s) of the **prior patent** to Sun Microsystems, Inc. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame 011100/0047.

//
//
//
//
//
//
//
//
//
//
//
//

Appl. No. 10/661,043
Reply to Office Action of July 3, 2006

The undersigned hereby declares that all statements made herein of her/his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10/4/06

Date

Archana Bhuta

Signature

Ms. Archana Bhuta, Esq.
Senior Patent Counsel
Sun Microsystems, Inc.